Remarks and Arguments

The examiner requested that formal drawings be provided. In response, replacement sheets 1-14 have been attached which contain figures 1-15.

Claims 1-20 have been rejected as being indefinite because claims 1, 9 and 17 recite "management facade software that converts the interface layer API to platform-independent method calls." The examiner finds it unclear how the recited element is related to the remainder of the recited elements. Further the examiner has objected to claims 1, 9 and 17 because the limitation "the interface layer API" recited in lines 7, 7 and 9, respectively, lacks antecedent basis.

In response, claims 1, 9 and 17 have been amended. Claim 1 is exemplary. Amended claim 1 recites, in lines 6-8, "the interface layer exporting a platform dependent API comprising a plurality of API methods that can be called to control data passing between the driver software and the storage device" and in lines 9-12, "running, in the host computer system, management facade software that receives calls to platform-independent methods and generates at least one API method call to the interface layer in order to execute the platform-independent method calls." Finally, in lines 13-16, amended claim 1 recites "running, in the host, a federated bean that discovers data volumes in the storage device and generates platform-independent method calls to the management facade to control the interface layer via the plurality of API methods." It is believed that the cooperation of the elements is now positively recited in that the federated bean controls the management facade which, in turn, converts platform-independent method calls to platform dependent method calls in order to control the interface layer to perform the requested data service. Similar changes have been made to claims 9 and 17. Accordingly, the rejection under 36 U.S.C. §112, second paragraph, is hereby traversed on the basis of the amendments made to claims 1, 9 and 17.
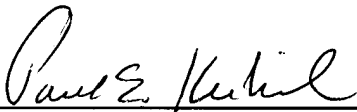
Claims 1-20 have been provisionally rejected under the judicially-created doctrine of obviousness type double patenting over claims 1-26 of co-pending application 09/965,218. The examiner comments that claim 1 of this application and claim 1 of co-pending application 09/965,218 differ only in the function that the federated bean is controlled to perform and that the two functions recited in the claims (transfer data

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between designated master and shadow volumes and display and configure a data volume) are related and obvious in view of one another. The examiner finds parallel similarity in claims 9 and 17 of this application in view of claims 12 and 23 of application serial number 09/965,218. The claims dependent on these clams have been rejected for incorporating the deficiencies of their parent claims.

Although this rejection is not stated to be a provisional rejection, since neither this application nor application serial number 09/965,218 have been allowed or issued, applicants are treating this rejection as a provisional rejection and will respond when the rejection is made final as set forth in MPEP §822.01.

In light of the forgoing amendments and remarks, this application is now believed in condition for allowance and a notice of allowance is earnestly solicited. If the examiner has any further questions regarding this amendment, he is invited to call applicants' attorney at the number listed below. The examiner is hereby authorized to charge any fees or direct any payment under 37 C.F.R. §§1.17, 1.16 to Deposit Account number 02-3038.

Respectfully submitted

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